

Wage War



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June 23, 2014

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Top Story

With the federal government stalled, state lawmakers have galloped along, albeit in somewhat different directions, on issues ranging from abortion to the minimum wage.

SNCJ Spotlight

Minimum wage just one issue Washington has left to the states

More than four years ago Congress passed President Obama's health care proposal, the Affordable Care Act, on party lines. Whether one favors it or not, Obamacare is a momentous measure.

But as far as other major legislation is concerned, Washington has rarely been heard from since

A Cannon Perspective



With Lou Cannon

Obamacare became law in March 2010. In midterm elections that year Republicans won control of the U.S. House of Representatives, which they retained in 2012. The by-product of these elections has been continual gridlock between the House and the Democratic-controlled Senate and White House.

With the federal government stalled, state lawmakers have galloped along, albeit in somewhat different directions, on issues ranging from abortion to the minimum wage. Thirty-six states are controlled by a single party, making it easier for their legislatures to pass controversial laws. And unlike their Washington counterparts,

state legislators have managed to find consensus on issues such as human trafficking that do not break down along partisan lines.

“One of the great mistakes that national experts and the media have made in the 20 years I’ve been in this business is not paying enough attention to the states,” says Tim Storey, a political analyst with the National Council of State

Legislatures. “That’s never been more true than

in the last twelve months, when states have been innovating in both conservative and liberal directions while very little is happening in Washington.”

The contrast between federal inaction and state accomplishment is most evident on the high-profile issue of the minimum wage. The federal minimum wage, last raised in 2009, is \$7.25 an hour. The president has proposed increasing it to \$10.10, one of many Obama proposals that has languished in Congress in the face of Republican opposition.

In contrast, nine states and the District of Columbia have increased the minimum wage in 2014, bringing to 21 the number of states with higher wage levels than the federal government. All states in which Democrats are in charge now have higher minimum wages than the federal government.

Republicans are also increasingly aware of the popular support for raising wages for those at the bottom of the economic totem pole. A Gallup survey last year found that three-fourths of Americans favor increases in the minimum wage. In Michigan last month the Republican-controlled legislature boosted the minimum wage in steps over four years from its current \$7.40 an hour to \$9.25.

State actions have encouraged Democratic-run cities with large populations of labor union members to follow suit. Seattle this month boosted its minimum wage in phases to \$15 an hour over four years for large firms and seven years for small ones. This is the nation’s highest minimum wage. Chicago, New York City and San Francisco are eying similar increases. At \$9.32 an hour, Washington has the highest state minimum, with future increases indexed to inflation. On June 18 the Massachusetts Legislature passed a bill that will raise the minimum wage in the Bay State to \$11 by 2017.

“States have been innovating in both conservative and liberal directions while very little is happening in Washington.”

Republicans control both legislative chambers in 23 states compared to 13 for the Democrats and another 13 with mixed control. (Nebraska has a non-partisan unicameral legislature.) Many of the GOP-run states have imposed new abortion restrictions during the past two years, raising the prospect that the Supreme Court may eventually revisit its landmark 1973 ruling in *Roe v. Wade* establishing a woman's right to abortion. For now, abortions remain legal throughout the country but increasingly hedged with restrictions that make it difficult for women to obtain them, especially in the South.

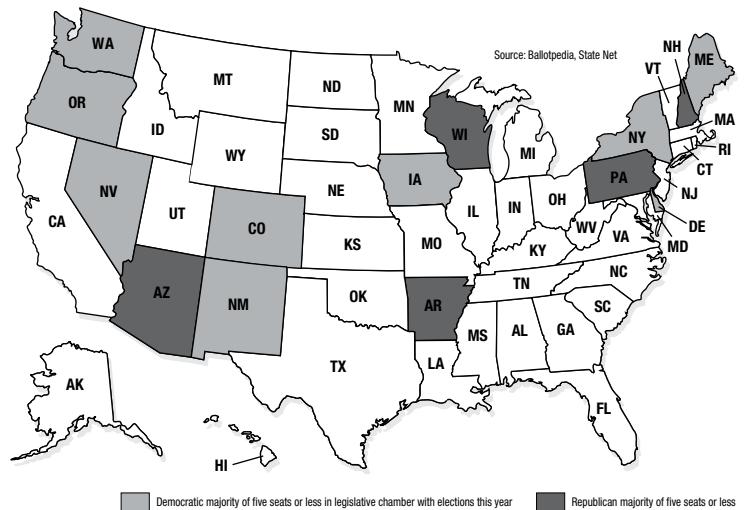
Lately, the anti-abortion movement has pushed measures that require doctors who perform abortions to have admitting privileges at nearby hospitals. Alabama, Louisiana, Mississippi and Texas have imposed such requirements, which are being challenged in the courts by pro-abortion groups. One federal court has upheld the Texas law, while another blocked the Mississippi law, which would leave the state without an abortion provider.

Medicaid, the joint federal-state program that provides health care for low-income persons, has become another partisan fault line. Obamacare required that states expand Medicaid, but the Supreme Court decision otherwise upholding the law's constitutionality permitted states to maintain their current programs without penalty. Since then, Democratic-controlled states have embraced Medicaid expansion while most Republican-controlled states have not.

States have also faced environmental issues that Congress has been unwilling to address. One of the hot-button environmental issues is hydraulic fracturing or fracking, a process in which sand, water and chemicals are injected into shale deep underground to free trapped oil and natural gas. California Gov. Jerry Brown (D) in 2013 signed into law a bill with strong state controls on fracking, and scores of municipalities and townships throughout the nation have banned the process in their localities.

Fracking has now emerged as a key issue in the 2012 elections in the swing state of Colorado where Gov. John Hickenlooper (D) is trying to forge a compromise that would keep an anti-fracking measure off the November ballot. The ballot measure

Bird's eye view



Numerous statehouses up for grabs this year

Of the 87 state legislative chambers with seats being contested this year, one of the two major parties holds a majority of five seats or less in 14. Republicans are in the majority in five of those states, while Democrats have the majority in nine. Just one seat separates the parties in the senates of Colorado, Nevada and Washington, all of which are controlled by Democrats.



has the potential to harm Democrats, who are divided on the issue. Republicans have shown more of a solid front in opposing restrictions on fracking as harmful to energy production and jobs. The compromise sought by the governor and other Democratic leaders would allow local governments more control over energy development in their backyards.

The fracking controversy in Colorado is illustrative of why this year's legislative elections may have more impact on policy during the next two years than the more publicized battle for control of the U.S. Senate. However the Senate races turn out, Republicans are considered likely to maintain control of the U.S. House, signaling more gridlock during the remainder of the Obama presidency.

Party control of one or both legislative chambers is up for grabs in at least 10 states, with potential implications for fiscal, environmental and education policy. Republicans are targeting both chambers in Colorado, where the Democrats now hold narrow majorities. They are also targeting Democratic-held state senates in Iowa, Maine and Oregon. More remote but potentially winnable, Republicans claim, are the New Hampshire House, which has switched control in three of the last four elections and West Virginia, where Democrats hold both houses but Obama is highly unpopular.

Democrats have their eyes on the Republican-held state senate in Wisconsin and the Republican-controlled house in Arkansas. Both parties seek to win outright control of the New York and Washington state senates, now run by coalitions although Democrats hold paper control.

Republicans have a powerful historical advantage. In 26 of 28 midterm elections dating back to 1902, the party in power in the White House lost ground in state legislative elections. The exceptions were in 1934, in the Great Depression, when Democrats added to commanding majorities, and 2002, when the terrorist attacks of September 11, 2001, overshadowed the election, and Republicans gained seats.

But the Republicans are near historic highs in legislative seats with little room for growth. After their 2010 victories, GOP legislators in many states skillfully redistricted on the basis of that year's census to keep themselves in power. Storey, who foresees no "wave election" for either party, says Republicans may be limited in what they can achieve in 2012 because they already have achieved so much.

Whatever happens in November, states will hold the key to national progress during the next two years. President Obama recently announced a new climate change initiative that is intended to reduce carbon pollution from power plants by 30 percent by 2030. Instead of imposing a uniform national standard for power plant carbon

The week in session

States in Regular Session: CA, DC, DE, MA, NC, NJ, NY, OH, PA, PR, RI, US

States in Special Session: CA "b", VA "a"

States currently prefilng for 2015 Session: KY, MT

States adjourned in 2014: AK, AL, AR, AZ, AZ "a", CA "a", CO, CT, DE "b", FL, GA, HI, IA, ID, IL, IL "a", IL "b", IN, KS, KY, LA, MD, ME, MN, MO, MS, MS "a", MS "b", NE, NH, NM, OK, OR, PR "a", PR "b", SC, SD, TN, UT, VA, VT, WA, WA "a", WA "b", WA "c", WI, WI "c", WV, WV "a", WV "b", WY

Letters indicate special/extraordinary sessions

— Compiled By DENA BLODGETT
(session information current as of 6/19/2014)
Source: State Net database

emissions, the initiative will rely on states to devise approaches to meet goals set in the nation's capital.

As the *New York Times* observes, this was the approach the president used to expand health care under the Affordable Care Act, "often with rocky results."

Rocky the results have certainly been in some states, but Obamacare has been more successful than it would have been if the federal government had depended on a national mandate and an inadequate website. Led by a few innovative states with creative technologies and an appreciation of federalism, the Affordable Care Act is slowly coming into its own.

Despite the pall cast on national politics by the gridlock in Washington, states have shown more often than not that they are capable of stepping up to the plate.

— *By Lou Cannon*

Budget & taxes

FEDERAL HIGHWAY TRUST FUND RUNNING ON FUMES: For quite some time, state and local transportation officials have been anxiously watching the federal highway trust fund shrink and waiting for Congress to do something about it.

"We've seen it coming like a slow-motion train crash," said Randy Peters, director of Nebraska's Department of Roads.

The root of the problem with the trust fund is that it relies primarily on federal gas tax revenues, which have been declining as Americans have traded in their gas guzzlers for more fuel-efficient cars. The fund is down to several billion dollars, and unless federal lawmakers act, its balance will drop to zero later this year.

"That would have huge impacts for all states and local jurisdictions that rely on federal funding as major components of their highway and bridge programs," said

Stuart Anderson, an administrator at Iowa's Department of Transportation, which receives half of its annual funding from federal sources.

State transportation officials are making contingency plans. For instance, Iowa's Transportation Commission approved criteria last week for determining which projects the state will put on hold if federal transportation funding dries up.

But some say Congress will almost certainly approve at least some sort of temporary fix before adjourning for its August recess.

"I just see so little chance in an election year that you're going to shut down road construction," said U.S. Sen. Mike Johanns (R-Nebraska). (OMAHA.COM)

**"We've seen it coming
like a slow-motion
train crash."**

SOUTHERN STATES RECEIVE MOST FEDERAL BENEFITS: The five states that receive the most money per person from federal government programs like Social Security and Medicare are all located in the South, according to a study from George Washington University. West Virginia tops that list, with 26.2 percent of its annual income coming from such programs. The other top recipients of federal benefits

“I just see so little chance in an election year that you’re going to shut down road construction.”

are Mississippi (24.0 percent), Arkansas (22.8 percent), Kentucky (22.4 percent), and Alabama (21.8 percent).

Two of the five states that receive the least per person in federal benefits are also located in the South: Virginia (12.6 percent) and Maryland (12.4 percent). But the other three are North Dakota (11.8 percent), Wyoming (12.1 percent) and Colorado (12.3 percent).

One reason southern states like West Virginia receive more federal benefits than other states is because they have more older citizens who are eligible for programs like Social Security and Medicare. According to 2010 Census data, West Virginia has the second-highest percentage of residents over the age of 65 in the nation.

But ironically the states that receive the most money from federal government programs are also among the most likely to elect conservative representatives who favor cutting such programs. All five of the top federal beneficiary states favored the Republican candidate in recent presidential elections. (CHARLESTON GAZETTE)

TAX CUTS CONTRIBUTE TO REVENUE DECLINES IN OH, ND AND KS: Ohio, North Dakota and Kansas had the three biggest year-over-year percentage declines in personal income tax collections in the first four months of this year — 31 percent, 28 percent and 24 percent, respectively — according to a report from the Nelson A. Rockefeller Institute of Government.

Kansas Gov. Sam Brownback's (R) administration has insisted that state's revenue plunge was due to inflated revenues in 2012 caused by wealthy taxpayers cashing in their investments before a capital gains increase kicked in last year. And the Rockefeller study, in fact, acknowledged that taxpayer behavior, which it said was reflected in the 7 percent decline in personal income tax collections nationally from January to April compared to the same period last year. But the report also said income tax cuts in Ohio, North Dakota and Kansas contributed at least partly to those states' revenue declines as well. (KANSAS CITY STAR)

BUDGETS IN BRIEF: The **CALIFORNIA** Legislature passed a \$156.4-billion state budget last week that included \$7.3 billion more in general fund spending than last year (LOS ANGELES TIMES). • **RHODE ISLAND** lawmakers approved an \$8.7 billion state budget last week that includes a \$12.3 million payment to the investors who bought \$75 million in state-backed bonds that helped finance former

Major League Baseball pitcher Curt Schilling's video-game company, 38 Studios, which went bankrupt in 2012 (PROVIDENCE JOURNAL).

— Compiled by KOREY CLARK

Politics & leadership

VOTING LAW CHALLENGES CREATE UNCERTAINTY AHEAD OF MIDTERMS: Just months ahead of the midterm elections in November, court challenges to tough new voting laws in several states have thrown the electoral process into legal limbo. Nearly all of the laws — imposing strict photo ID requirements and restricting early voting — were passed since 2011 in Republican-dominated states.

The court rulings in the challenges to those laws have gone both ways. Laws have been upheld in Arizona, Kansas and Tennessee, for example. But elsewhere courts have rejected the new voting restrictions, most recently in Ohio, where a federal judge ordered the state's elections chief to restore early voting hours on the three days leading up to Election Day.

Laws are still awaiting legal action in seven states, including North Carolina and Texas. But some of the courts considering those laws have indicated they may issue rulings before Election Day.

Opponents of the laws are hopeful, after the decisions that have gone their way over the past six months in Arkansas, Pennsylvania and Wisconsin, as well as Ohio, which legal experts attribute largely to the fact that the states defending the laws haven't been able to show proof of widespread in-person voter fraud.

"I think there has been an education process both for the public and in the courts," said Dale Ho, director of the American Civil Liberties Union's Voting Rights Project, which is involved in the voting law cases in 11 states.

Richard L. Hasen, an election law expert at the University of California, Irvine, however, says the jury is still out on how all the voting rights cases will ultimately go.

"There have been a string of victories, but as to the ultimate balance, it's too early to tell," he said. "But at the moment the courts have been leaning more toward striking down some of these laws." (NEW YORK TIMES)

DISSENSION IN VA SENATE BEFORE PASSAGE OF BUDGET: After gaining control of the Virginia Senate this month — following the sudden resignation of Democratic Sen. Phillip Puckett (see VA SENATE TIPS TO GOP CONTROL AFTER DEM'S RESIGNATION in June 16 issue) — Republicans muscled through

passage of a state budget without an expansion of Medicaid. But not before a good deal of heated discussion within their own ranks.

The infighting began after Sen. Richard H. Black (R) proposed an amendment to prevent Gov. Terry McAuliffe (D) from expanding Medicaid without the explicit approval of the General Assembly. Some members of his caucus were reportedly incensed that Black was willing to risk sinking the budget deal negotiators had been working on by amending the spending plan. Ultimately, they agreed on an alternative amendment requiring the General Assembly to authorize any Medicaid spending increase, still effectively killing any chance of expanding Medicaid for the next two years.

“This was a stunning victory for the Republicans,” said Black. We passed a budget in a single night and we have effectively blocked Medicaid expansion.”

Democrats, all but one of whom voted against the budget, saw things a little differently.

“We are actually increasing taxes on our citizens by rejecting \$2 billion in federal money,” said Sen. Chap Petersen (D). “Stupidest thing I ever heard of.”

McCauliffe seemed to indicate he wouldn’t accept the budget as-is, and he was even more clear that he wasn’t ready to give up the fight for Medicaid expansion.

“When this budget reaches my desk I will evaluate it carefully and take the actions that I deem necessary, but this fight is far from over,” he said in a statement after the GOP-controlled House passed the spending plan. “This is the right thing to do for Virginia, and I will not rest until we get it done.” (WASHINGTON POST, STATE NET)

MO VOTERS TO WEIGH FIVE CONSTITUTIONAL AMENDMENTS IN AUGUST: Five measures aimed at amending Missouri’s Constitution will appear on the ballot in the state’s primary election in August, according to Secretary of State Jason Kander (D). Among the more notable of those proposals is Amendment 1 — the “right to farm” amendment — which reads: Shall the Missouri Constitution be amended to ensure that the right of Missouri citizens to engage in agricultural production and ranching practices shall not be infringed? Voters will also consider a local variation of the U.S. Constitution’s 2nd Amendment. That proposal, Amendment 5, reads: Shall the Missouri Constitution be amended to include a declaration that the right to keep and bear arms is an unalienable right and that the state government is obligated to uphold that right? (KANSAS CITY STAR)

POLITICS IN BRIEF: Last week — just days before **MARYLAND**’s primary election — Will J. Hanna, a Democratic candidate for the state’s 41st Senate District, was being sought by authorities in connection with a car theft six years ago in **TEXAS** (BALTIMORE SUN). • Also in **MARYLAND**, over 46,500 voters

Upcoming stories

Here are some of the topics you may see covered in upcoming issues of the *State Net Capitol Journal*:

- **Mid-year reviews**
- **Voter ID**
- **Student loan debt**

— 1.4 percent of the electorate — cast ballots in the first three days of early voting in the state’s June 24 primary (BALTIMORE SUN). • The 6th U.S. Circuit Court of Appeals in Cincinnati has agreed to hear five challenges to same-sex marriage laws from four states — **KENTUCKY, OHIO, MICHIGAN** and **TENNESSEE** — simultaneously in August. The court’s consolidation order is unusual but not unheard of. The landmark 1954 U.S. Supreme Court case *Brown v. Board of Education*, for example, was a consolidation of five segregation cases (COURIER-JOURNAL [LOUISVILLE]).

— Compiled by **KOREY CLARK**

In case you missed it

Generous tax incentives in many states have lured a huge chunk of Hollywood productions out of California. And those incentives are spurring battles not only between states but within them.

In case you missed it, the story can be found on our Web site at

http://www.statenet.com/capitol_journal/06-16-2014/html#sncj_spotlight.

Governors

JINDAL REVERSES COURSE ON COMMON CORE: First he was for it, but now Louisiana Gov. Bobby Jindal (R) is adamantly against it. The “it” is the Common Core education standards, universal math and English standards developed through the National Governors Association and intended to ensure that all kids in grades K-12 are ready to enter either college or the workforce. Jindal was one of over 40 state leaders to help craft the new standards, and the Pelican State was one of the first to adopt them when they were introduced in 2010. But that was

then; this is now. Last week, Jindal issued an executive order (EO BJ 2014-7) directing the state to stop Common Core implementation.

“Gov. Jindal was a passionate supporter [of Common Core] before he was against it.”

“We want out of Common Core,” Jindal told reporters last Wednesday. “We won’t let the federal government take over Louisiana’s education standards. We’re very alarmed about choice and local control of curriculum being taken away from our parents and educators.”

Jindal informed the Common Core consortium of his decision before issuing his order, which directs Pelican State education officials to develop new statewide assessment tests to replace the Common Core exams. The governor said the state’s agreement to buy those tests violates state law.

Jindal’s newfound opposition drew an immediate reaction from critics like U.S. Education Secretary Arne Duncan, who implied the governor is simply trying to cultivate conservative voters for another run at the White House in 2016.

“Gov. Jindal was a passionate supporter [of Common Core] before he was against it,” he told “CBS This Morning” last Tuesday, the day before Jindal made his plan

official. “That situation is about politics, it’s not about education. And frankly that’s part of the problem.”

Gov. Jindal is also facing pushback on the home front, where the Republican-controlled legislature, state school Superintendent John White, state School Board Superintendent Chas Roemer and the statewide business community have all voiced their desire and intention to move ahead with implementing the standards. White and Roemer made it clear they do not believe Jindal has the authority to unilaterally pull the plug on the Common Core implementation and that the matter will eventually end up being decided by the courts.

“The laws don’t support his position,” Roemer told the *New Orleans Times-Picayune*. “The laws support our position.”

Jindal acknowledged that he cannot actually end the state’s participation in Common Core without the approval of lawmakers and the state school board, something each also declined to grant earlier this year. He said he plans to urge them to reconsider the matter next year, though it would appear right now to be a long shot.

“The Legislature has spoken loudly on this issue,” said Sen. Conrad Appel (R), who chairs the Senate Education Committee.

So far this year three states — Indiana, South Carolina and Oklahoma — have officially withdrawn from Common Core. (NEW ORLEANS TIMES-PICAYUNE, U.S. NEWS & WORLD REPORT, POLITICO)

QUINN SIGNS MEDICAID RESTORATION: Illinois Gov. Pat Quinn (D) signed legislation last week (SB 741) that restores several Medicaid services cut during budget negotiations in 2012 and seeks to acquire \$400 million in federal funds to pay for enrolling new patients under the Affordable Care Act. Restored services include dental and podiatric care. The measure also authorizes coverage for kids who have gone without private insurance for at least three months, down from 12 months previously, which brings the state into alignment with federal law. It also lifts a four-prescription drug limit for Medicaid patients needing anti-psychotic drugs. Critics of the bill question whether the restored services are fiscally sustainable, but supporters contend the measure will actually save the state money by keeping people in need of those treatments out of hospital emergency rooms.

“This law ... has very strong safeguards for the public, for the taxpayers,” Quinn told the Associated Press. “At the same time, it also makes sure we expand health care coverage to include lots of good people who work hard and don’t have any health care coverage at all.” (CHICAGO TRIBUNE, ASSOCIATED PRESS, ILLINOIS GOVERNOR’S OFFICE)

WALKER AT HEART OF ‘CRIMINAL’ FUNDRAISING SCHEME?

Documents released last Thursday reveal that five Wisconsin county prosecutors have accused Gov. Scott Walker (R) of being deeply involved with a nationwide

“criminal scheme” to illegally coordinate fundraising with outside groups during his 2012 recall defense campaign. The documents, released under order of U.S. District Judge Frank Easterbrook, named Walker, his chief of staff Keith Gilkes and top adviser R.J. Johnson. They were originally filed as part of an ongoing lawsuit by the conservative group Wisconsin Club for Growth that seeks to stop a federal investigation into the allegations against Walker, his staff and several conservative groups that support him. In a statement, a Walker spokesperson noted the governor was not part of the federal lawsuit and that two judges have previously “rejected the characterizations disclosed in those documents.” (TIME, WJLA.COM [ARLINGTON]), NEW YORK TIMES)

CUOMO, NY LAWMAKERS REACH DEAL ON MEDICAL POT: New York Gov. Andrew Cuomo (D) announced he had reached a deal with lawmakers to make the Empire State the 23rd to allow critically ill people to use marijuana for medicinal reasons. But the agreement includes a significant caveat: patients will not be allowed to smoke the drug. Instead, users will be required to ingest via an edible, vaporizer or tincture.

That was key to getting support from Cuomo, who has long cited his concern that allowing pot for medical use would lead to abuse of both marijuana and other drugs. Minnesota is the only other medical marijuana state that also bars patients from smoking the herb. Even so, Cuomo’s support was hailed by Assemblyman Richard Gottfried (D), one of the bill’s sponsors.

“We’ve incorporated many of the Governor’s requirements to gain his support,” he said in a statement. “This comprehensive, tightly-regulated legislation will bring relief to thousands of New Yorkers.” (NEW YORK TIMES, HUFFINGTON POST)

GOVERNORS IN BRIEF: The Republican-controlled **SOUTH CAROLINA** House last week overrode 61 of Gov. Nikki Haley’s (R) 76 vetoes, including one of a measure to give themselves a \$12,000 annual raise. The measures were sent on to the Senate, which is also heavily dominated by Republicans (STATE [COLUMBIA]).

- **NEBRASKA** Gov. Dave Heineman (R) promised to hold accountable officials responsible for mistakenly issuing early releases to numerous Cornhusker State prisoners. His comments came in response to an investigative report by the *Omaha*

In the hopper

At any given time, State Net tracks tens of thousands of bills in all 50 states, the US Congress and the District of Columbia. Here’s a snapshot of what’s in the legislative works:

Number of 2014 Prefiles last week: 0

Number of 2015 Prefiles last week: 292

Number of Intros last week: 971

Number of Enacted/Adopted last week: 876

Number of 2014 Prefiles to date: 21,427

Number of 2015 Prefiles to date: 507

Number of 2014 Intros to date: 78,657

Number of 2013 Session Enacted/Adopted overall to date: 40, 747

Number of 2014 Session Enacted/Adopted overall to date: 22,444

Number of bills currently in State Net Database: 167,878

— Compiled By DENA BLODGETT
(measures current as of 6/19/2014)
Source: State Net database

World-Herald that revealed sentences had been miscalculated for over 100 prisoners, with at least 50 having already been released as many as 15 years early (OMAHA WORLD-HERALD). • Five New England governors convened at a summit organized by **MASSACHUSETTS** Gov. Deval Patrick (D) last week, a meeting that ended with them agreeing to explore a regional plan to share data from their respective prescription drug monitoring programs to better fight opiate abuse across state borders. Further efforts could include treatment agreements between state Medicaid plans and a joint media campaign to raise awareness about the problem (MASSACHUSETTS GOVERNOR’S OFFICE).

— Compiled by *RICH EHISEN*

Hot issues

BUSINESS: The **MASSACHUSETTS** House approves a bill that would raise the Bay State minimum wage to \$11 per hour by 2017. The bill, which does not tie increases to inflation, moves to Gov. Deval Patrick (D), who is expected to sign it into law (CHRISTIAN SCIENCE MONITOR). • The **RHODE ISLAND** House approves SB 2249, a bill that would raise the Ocean State minimum wage to \$9 per hour on Jan. 1, 2015. It moves to Gov. Lincoln Chafee (D), who is expected to sign it into law (PROVIDENCE JOURNAL, STATE NET). • The **NEW JERSEY** Assembly approves AB 3216, a bill that would allow electric vehicle maker Tesla to sell vehicles through its manufacturer-owned stores in the Garden State. The bill, which would allow the carmaker to have up to four stores, moves to the Senate (WALL STREET JOURNAL). • **NEW YORK** Gov. Andrew Cuomo (D) signs AB 7844, a bill that allows the five current Empire State Tesla dealerships to stay open, with the possibility of additional showrooms in the future (NEWSDAY). • **FLORIDA** Gov. Rick Scott (R) signs SB 542, which sets up a framework to allow insurers to sell private flood policies in the Sunshine State and allows them to increase rates with limited state oversight through 2019 (SARASOTA HERALD-TRIBUNE). • Still in **FLORIDA**, Gov. Scott signs SB 708, a bill that bars insurers from using credit information to deny a claim or cancel a policy and creates a “homeowner claims bill of rights” that requires insurers to spell out to homeowners what they can expect when they file a claim (INSURANCE JOURNAL). • Staying in **FLORIDA**, Scott signs SB 224, which prohibits the sale of electronic cigarettes to minors (INSURANCE JOURNAL). • **VERMONT** Gov. Pete Shumlin (D) signs SB 308, a bill that requires precious metals dealers to collect identifying information — including a digital photo — of the people they buy goods from. The law also requires dealers who do more than \$50,000 a year in business to be licensed by the state.

The law is intended to combat a rise in drug-related burglaries (VERMONT DIGGER). **OHIO** Gov. John Kasich (R) signs HB 129, which allows Buckeye State businesses to seek a protection order against people who threaten or stalk employees (CLEVELAND PLAIN DEALER).

CRIME & PUNISHMENT: ILLINOIS Gov. Pat Quinn (D) signs SB 3411, a bill that bars Prairie State police departments from assigning ticket quotas and evaluating officers based on how many citations they issue. The bill takes effect immediately (CHICAGO TRIBUNE, ILLINOIS GOVERNOR'S OFFICE). • **VERMONT** Gov. Pete Shumlin (D) signs SB 295, which diverts those who commit some addiction-driven crimes into treatment instead of jail (VERMONT DIGGER).

EDUCATION: The **CALIFORNIA** Assembly gives final approval to AB 215, a bill that would speed up the process for firing teachers suspected of serious offenses like attempted murder or sexual misconduct. The bill, which does not require a teacher to be convicted of a crime to be fired, moves to Gov. Jerry Brown (D) for review (LOS ANGELES TIMES). • Also in **CALIFORNIA**, the Senate approves AB 2127, a bill that would limit full-contact practices for Golden State scholastic football teams during the season and bar them entirely in the off season. The bill moves to Gov. Brown for review (SACRAMENTO BEE). • The **NORTH CAROLINA** House approves HB 735, a bill that would prohibit Tar Heel State university administrators from denying recognition, use of school facilities or funding to political or religious groups they disagree with. Student groups would have authority to resolve their own disputes and may reject candidates for leadership positions who do not conform to the basic mission and principles of the organization (GREENSBORO NEWS & RECORD).

Upcoming elections

(6/20/2014 - 7/11/2014)

06/24/2014

Colorado Primary Election

House (All)

Senate Districts 1-3, 5-7, 9, 11, 13, 15-16, 20, 22, 24, 30, 32 and 34

Constitutional Officers: Governor,

Lieutenant Governor, Secretary of State, Treasurer, Attorney General

US House (All)

US Senate (Class 2)

Florida Special Election

US House (Congressional District 19)

Maryland Primary Election

House (All)

Senate (All)

Constitutional Officers: Governor,

Lieutenant Governor, Attorney General,

Comptroller

US House (All)

Mississippi Primary Runoff

US House (All)

US Senate (Class 2)

New York Primary Election

Assembly (All)

Senate (All)

Constitutional Officers: Governor,

Lieutenant Governor, Attorney General,

Comptroller

US House (All)

Oklahoma Primary Election

House (All)

Senate (Even)

Constitutional Officers: Governor,

Lieutenant Governor, Treasurer,

Attorney General, Auditor and Inspector,

Commissioner of Labor,

Insurance Commissioner,

Superintendent of

Public Instruction

US House (All)

US Senate (Class 2)

Oklahoma Special Primary

Senate District 5

US Senate (Class 3)

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ENERGY: OHIO Gov. John Kasich (R) signs SB 310, which imposes a two-year freeze on standards that apply to electric utilities for renewable energy and energy efficiency and ends a requirement that utilities purchase half of their renewable energy from within the state (WASHINGTON POST).

ENVIRONMENT: The **RHODE ISLAND** Senate approves SB 2952, which would establish a state panel charged with coordinating the Ocean State's response to a changing climate, including protecting community infrastructure and raising public awareness. The bill moves to the House (PROVIDENCE JOURNAL). •

MICHIGAN Gov. Rick Snyder (R) signs a trio of bills (HBs 5400, 5401 and 5402) that collectively allow the use of coal ash and other industrial waste products in asphalt and cement. The laws allow those products to be diverted from landfills (MICHIGAN GOVERNOR'S OFFICE).

HEALTH & SCIENCE: The **CALIFORNIA** Assembly Health Committee rejects SB 1000, a bill that would have required sugary soda drinks sold in the Golden State to come with a warning label. The measure drew only seven aye votes, three short of the 10 it needed to move on (SACRAMENTO BEE). • **LOUISIANA** Gov. Bobby Jindal (R) signs HB 764, a bill that requires organizations which get federal grants to help consumers enroll in insurance under the Affordable Care Act to be licensed by the state. The measure requires insurance "navigators" to undergo 30 hours of initial training plus 15 hours annually above that already required by the federal government (INSURANCE JOURNAL). • **FLORIDA** Gov. Rick Scott (R) signs SB 1030, which allows the use of cannabis oil to treat chronic ailments such as seizures. Gov. Scott also signs SB 1700, which protects the identity of those using the products (TAMPA BAY TIMES). • **OHIO** Gov. John Kasich (R) signs SB 99, which redefines oral chemotherapy drugs as medical treatments instead of as prescription medications for health insurance policies issued or renewed after Jan. 1, 2015. The bill exempts insurers who can show the change will lead to premium increases of more than 1 percent (CLEVELAND PLAIN DEALER).

IMMIGRATION: A federal judge upholds part of an omnibus **UTAH** immigration law modeled after a similar statute in **ARIZONA**. U.S. District Judge Clark Waddoups ruled that a provision in the Beehive State law that requires police to check the immigration status of people arrested for felonies and some misdemeanors and which gives them the power to check the citizenship of drivers stopped for traffic

Upcoming elections (cont.) (6/20/2014 - 7/11/2014)

South Carolina Primary Runoff

Constitutional Officers: Governor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General, Comptroller General, Adjutant General, Commissioner of Agriculture, Superintendent of Education
US House (All)
US Senate (Class 2)

Utah Primary Election

House (All)
Senate Districts 2, 3, 4, 5, 9, 11, 12, 15, 17, 18, 21, 22, 26 and 28
Constitutional Officers: Attorney General
US House (All)

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violations was constitutional. But Waddoups also barred police from holding people for longer than usual times just to check immigration status. He also blocked them from conducting warrantless arrests based solely on suspicion a detainee is in the country illegally. Utah officials are considering an appeal (LOS ANGELES TIMES).

SOCIAL POLICY: The Obama administration announces the president will sign an executive order that would prohibit federal contractors from discriminating on the basis of sexual orientation or gender identity. The White House did not give a definite date for the order to be issued, saying it is still being drafted (POLITICO). •

FLORIDA Gov. Rick Scott (R) signs HB 1047, which bans a doctor from performing an abortion once a fetus is considered viable, typically at 23 weeks of gestation (TAMPA BAY TIMES).

POTPOURRI: The United States Supreme Court rules that the federal government may strictly enforce a law that prohibits straw purchases of guns intended for someone else (NORTHJERSEY.COM). • **VERMONT** Gov. Pete Shumlin (D) signs legislation that bans drivers from using cellphones and other handheld electronic devices beginning Oct. 1 (BURLINGTON FREE PRESS). • The **MASSACHUSETTS** Senate approves SB 2022, a bill that would grant people in the public eye the exclusive right to control the commercial use of their identity during their lifetime and for 70 years after the date of their death. It is now in the House (STATE NET, BOSTON GLOBE).

— Compiled by RICH EHISEN

Once around the statehouse lightly

DO AS I SAY, NOT AS I DO: Maine held its primary a few weeks back. Although Gov. Paul LePage was on a long-planned trade mission to Iceland, he took to Facebook to urge the good citizens of the Pine Tree State to “Please be sure to do your civic duty and vote before the polls close tonight.” Alas, LePage didn’t follow his own advice. As the *Bangor Daily News* reports, he never bothered to get an absentee ballot so he could vote in his own absence. When questioned, the gov’s people said that with no contested primaries in his Augusta district there was virtually nothing for him to vote for save an \$8 million bond measure to fix up a local library. A rep argued that since he’s not technically the property tax-paying owner of the governor’s mansion, weighing in on that issue

“wouldn’t be appropriate.” Voters will decide in November if it is appropriate for him to remain living there.

CALIFORNIA, HERE HE COMES...MAYBE: Texas Gov. Rick Perry has had a lot of fun in recent years tweaking California over its allegedly awful business environment and threatening to steal all of its businesses right away from. Yippee ki yay! But per usual it seems like good old Gubner Rick may be talking out of his... er, both sides of his cowboy hat. As the *New York Times* reports, Perry is considering moving to the Golden State when he leaves office later this year. That depends, however, on whether he decides to take another run at the White House. Given the disastrous belly flop he took last time he tried that little move, he might want to opt instead for the beach life in sunny San Diego.

JOCK DIPLOMACY: The California Senate officially endorsed Sen. Kevin de Leon last Monday to follow soon-to-be termed out Sen. Darrell Steinberg. In what is somehow becoming a tradition, de Leon’s colleagues took the event as an opportunity to first sing his praises. And sing them, and sing them. It took a full 90 minutes after Steinberg nominated him for all the windy speeches to end so an actual vote could happen. That said, there were some interesting moments. Sen. Lois Wolk made several World Cup analogies. Sen. Mark DeSaulnier, de Leon’s top competitor until he decided to run for Congress instead, gave him a copy of Doris Kearns Goodwin’s “Team of Rivals.” But Sen. Fran Pavley had the line of the day, noting she was glad to finally have a leader “who supports LA sports teams.” Steinberg, a rabid San Francisco Giants and 49ers fan, smiled broadly.

AND ON A SAD NOTE...Last Monday also marked the passing of a true Golden State icon, former San Diego Padre Tony Gwynn. A Hall of Famer on the field, Gwynn was universally respected off of it for his humility, compassion and very un-jocklike habit of treating everyone with respect. I experienced that myself directly many years ago when as a young sports writer I interviewed Gwynn before a game in San Francisco. He had rightfully never heard of me and could easily have blown me off. Instead, he gave me all the time I wanted and was unfailingly polite and enthusiastic throughout. In the days since his passing, it is remarkable how many others have shared similar stories. Two of those came during the California Assembly session last Monday. Assemblymembers Chris Holden, a high school friend and college teammate of Gwynn’s, and Shirley Weber, a personal friend, each rose to share their memories of him. Fittingly, for all of his athletic accomplishments, they focused more on his value as a great person than as a ballplayer. The session then adjourned in his honor.

— By RICH EHISEN



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